

though one came back from the dead. I can say it a thousand times and Senator Venditte is not going to accept it because he is looking for a way out. All the others who have said they won't accept it are looking for a way out. Senator Rasmussen especially, and the rest of them, let me go back to the Attorney General's opinion. He is hired by the state because he won that office through a vote of the people to give opinions to members of the Executive Branch, the Governor, and to the Legislature. In his opinion, he stated that LB 64 as amended would insure a thirty year minimum sentence without parole that a person sentenced under LB 64 would stay in the penitentiary for thirty years. Now, if you don't want to accept his opinion, then it's just a matter of saying he doesn't know what he's talking about, but for Senator Venditte to say that it doesn't mean thirty years is based on his lack of understanding about how the criminal justice system and the law operates. The only basis for allowing somebody out in a lesser amount of time would be if the Pardon Board, which is constitutionally established, voted to commute somebody's sentence to a definite term of years and that term would have to be less than thirty years before the person can get out. The Pardon Board is composed of the Attorney General, the Secretary of State and the Governor and they are not in the case of a hot, so to speak case, going to vote to pardon an individual like that so that thirty years will mean thirty years. Even now without a definition of a life sentence, people are not getting out in short periods of time when they are convicted of first degree murder.

SENATOR MARVEL: One other question. What is the date of that Attorney General's opinion?

SENATOR CHAMBERS: About a week or so ago. A week or ten days ago.

SENATOR MARVEL: Okay, thank you.

PRESIDENT: Senator Luedtke...Senator DeCamp calls for the previous question. Are there five seconds? I see five seconds. The question is shall debate now cease. Have you all voted? Have you voted? Record.

CLERK: 20 ayes, 17 nays to cease debate, Mr. President.

PRESIDENT: Motion fails. Senator Luedtke.

SPEAKER LUEDTKE: Mr. President, members of the Legislature, I'd just like to refer to something Senator Simon said. He said that this amendment had been thoroughly researched on the thirty year minimum and I have no doubt but on that particular point of parole, it has been researched and there is no one questioning the Attorney General's opinion relating to the ability to have restriction on parole, but the big question which even Senator Simon admitted in his own statement is that you can have a pardon. Then Senator Simon goes on to say, but that will never be done. Who are we to say whether, keeping in mind that the Governor, the Attorney General, the Secretary of State are elected politically, who are to say among us, can say what is going to happen in the next number of years with regard to a political board, such as the Pardon Board? Plus the fact that he said, Senator Simon said, they've never done it. Well, just within our very recent history they did too do it. I remind you of the celebrated Fugate case where we had a situation where a sentence was commuted and where Miss Fugate was released far before the thirty years, far before